

REMARKS:

In the foregoing amendments, claim 5 was amended to better define the invention. The foregoing amendments were made to clarify what was already implied in applicant's claims and these amendments are not narrowing amendments and were not made for reasons substantially related to patentability presented. Claims 4-7 are present in the application for consideration by the examiner. Reconsideration and allowance of these claims are respectfully requested for at least the following reasons.

Applicant respectfully requests that the foregoing amendments to claim 5 be entered under the provisions of 37 C.F.R. §1.116 for the purposes of placing the application in condition for allowance or for the purposes of appeal. The amendments to claim 5 are concerned with editorial matters and do not raise any issues that require further consideration and/or search. For these reasons and since it is believed that amended claim 5 better define applicant's invention, applicant respectfully requests that the amendments to claim 5 be entered under the provisions of 37 CFR §1.116 for the purposes of placing the application in condition for allowance or for the purposes of appeal.

Claims 4 and 5 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Official action stated that the claims are rejected because it is not clear what happens to the water in claim 4 and what is meant by "firstly pumped through the processing means" of claim 5. Applicant respectfully submits that claims 4 and 5 precisely define what happens to the water. For example, water is added to the mixing tank to form a mixture solution of fuel, additive and water in step (c) of claim 4. Cluster sizes of the fuel water

in the mixture solution (containing fuel, additive and water) are reduced in step (d). The mixture solution (containing fuel, additive and water) is separated in the mixing tank to form a water rich portion (containing fuel, additive and relatively more water) thereof in step (e). The mixture solution (the water rich and any other portion(s) thereof) is emulsified in step (f) by passing it through the processing means and returning the mixture solution (containing fuel, additive and water) to the mixing tank. Thus, the mixture solution contains water and the mixture solution containing the water is processed as set forth in claim 4. Accordingly, applicant respectfully submits that any person skilled in the art would clearly understand what happens to the water in claim 4. While claim 5 was amended for editorial reasons above, applicant respectfully submits that amended claim 5, as well as claim 4 on which it depends, particularly point out and distinctly claim the subject matter regarded as the invention within the meaning of 35 U.S.C. §112, second paragraph. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

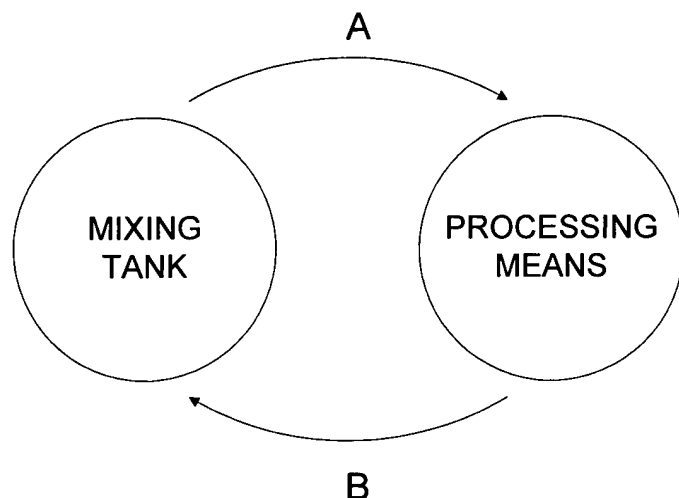
Claims 4-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. patent No. 5,873,916 of Cemenska *et al.* (Cemenska). This rejection is set forth from the bottom of page 2 through page 4 of the Official action. In these discussions, the Official action firstly stated that Cemenska teaches returning the emulsified mixture solution to the mixing tank and secondly stated that Cemenska fails to teach this step. See, for example, page 4, lines 3-6 and 14-15, of the Official action. Applicant respectfully requests that these contradictory statements be clarified in the next communication from the Patent Office.

Applicant respectfully submits that the teachings of Cemenska do not disclose or suggest the inventions set forth in claims 4-7 within the meaning of 35 U.S.C. §103(a) for at least the

following reasons. In particular, applicant respectfully submits that the teachings of Cemenska fail to contemplate or suggest basic processing steps as set forth in the present claims and could not possibly lead one of ordinary skill in the art to the inventions defined therein.

For example, at page 4, lines 14-16, the Official action stated that while Cemenska fails to teach that the emulsified mixture is returned to the mixing tank, no unobviousness is seen in this difference because it appears that Cemenska's aging reservoir functions as a second mixing tank, noting column 4, lines 1-9, of Cemenska. However, applicant respectfully submits that column 4, lines 1-9, of Cemenska does not appear to be particularly pertinent to the presently claimed invention. In particular, the aging reservoir 72 proposed by Cemenska does not contemplate or suggest the use of a mixing tank in the manner set forth in the procedures of applicant's claims.

Applicant's claims require at least one recycling step that includes the mixing tank, which is not contemplated or suggested by the teachings of Cemenska. The limitations in applicant's claims can be diagrammed as follows and include, *inter alia*:

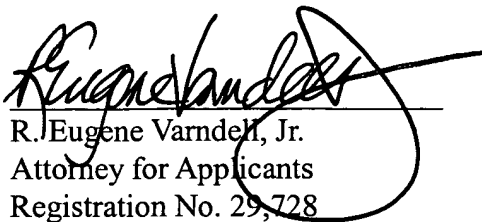


Claim 4 includes, *inter alia*, steps A and B and A in the above diagram. Claim 7 includes, *inter alia*, steps A and B in the above diagram. The teachings of Cemenska do not disclose or suggest recycling or reusing either a mixing tank or a processing means. For these reasons, applicant respectfully submits that the inventions defined in claims 4-7 are patentably distinguishable from the teachings of Cemenska. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

At least for the foregoing reasons, a formal allowance of claims 4-7 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,  
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